

NOTICE OF FINAL RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE

ANIMAL SERVICES DIVISION

PREAMBLE

- 1. Sections Affected** **Rulemaking Action**

R3-2-902 Amend
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 3-107(A)(1), 3-710(F)

Implementing statutes: A.R.S. §§ 3-705, 3-706, 3-707, 3-708, 3-710(F), 3-712, 3-715, 3-716, 3-725, 3-726, 3-737, and 3-739
- 3. The effective date of the rule:**

Sixty days after the rules are filed in the office of the Secretary of State.
- 4. A list of all previous notices appearing in the Register addressing the final rule:**

Notice of Rulemaking Docket Opening: 13 A.A.R. 4044, November 16, 2007; and

Notice of Proposed Rulemaking: 13 A.A.R. 3968, November 16, 2007
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Carlos Ramírez, Rules Analyst

Address: Arizona Department of Agriculture

1688 West Adams

Phoenix, Arizona 85007

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- 6. An explanation of the rule, including the agency's reasons for initiating the rulemaking:**

The Department of Agriculture is amending R3-2-902, dealing with standards, grades and weight classes for shell eggs, following a five-year review. Under this rulemaking, the Department will update citations to materials that are incorporated by reference, include the full title of the materials, provide more specific information about where the documents are available, and otherwise bring the rule into compliance with current Administrative Procedures Act standards.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

The rulemaking will not create a significant economic impact to the Department, other political subdivisions, businesses, or to state revenues. The Department holds that the benefits of the rulemaking outweigh any costs and that there are no alternative methods of achieving the objective of the rulemaking.

10. A description of the changes between the proposed rule, including supplemental notices and final rule (if applicable):

Minor grammatical or clarifying changes were made at the request of GRRC staff.

11. A summary of the comments made regarding the rule and the agency response to them:

The Department has not received any comments regarding the rulemaking nor requests for oral proceedings.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rule:

The rule incorporates by reference AMS 56.200 *et seq.*, or all rules listed following. The Department is adding the full title of the incorporated material, United States Standards, Grades and Weight Classes for Shell Eggs(AMS 56), a document published by the Agricultural Marketing Service, United States Department of Agriculture (USDA). The Department is also providing more specific information regarding the locations where the document is available from the Department and the USDA.

14. Was this rule previously made as an emergency rule:

No

15. The full text of the rule follows:

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE

ANIMAL SERVICES DIVISION

ARTICLE 9. EGG AND EGG PRODUCTS CONTROL

Section

R3-2-902. Standards, Grades, and Weight Classes for Shell Eggs

ARTICLE 9. EGG AND EGG PRODUCTS CONTROL

R3-2-902. Standards, Grades, and Weight Classes for Shell Eggs

All standards, grades, and weight classes for shell eggs shall be as prescribed in AMS ~~56.200 et seq.~~, ~~effective~~ 56, United States Standards, Grades, and Weight Classes for Shell Eggs, revised as of July 20, 2000. This material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department at 1688 W Adams St, Phoenix AZ 85007 and the ~~Office of the Secretary of State~~ United States Department of Agriculture, Agricultural Marketing Service, Poultry Programs, STOP 0259, Room 3944-South, 1400 Independence Ave, SW, Washington DC 20250-0259, or online at www.ams.usda.gov/poultry/standards/index.htm. "AMS" means Agricultural Marketing Service, United States Department of Agriculture.